

## Chapter 7

### SALON/INDEPENDENT CONTRACTORSSalon and Independent Contractors

**Section 1.** Salon Applications and License. No person, association, partnership, or corporation may operate a salon without first securing a license from the Board. Applications shall be made on the prescribed forms and be accompanied by the appropriate fee. and The completed application shall include or be accompanied by the following:

(a) The name of the salon, ~~the owner-/and-proprietor, the street address, and the physical address of the salon;~~ a description of the exact location of the salon.

(b) A detailed floor plan of the salon showing work space, the location of restrooms, entrances, and exits, carpeted areas of floor and the location of all other equipment required;

(c) Anticipated date of opening; and ~~The anticipated date of hooking up the water, electricity, telephone and opening the salon for business.~~

(d) Application and fees must be received 15 days ~~prior~~ before ~~to the opening~~ date.

**Section 2.** Salon Minimum Equipment. As a minimum requirement each salon shall provide and maintain the following:

(a) One shampoo bowl with hot and cold running water;

(b) One work station; and

(c) A Hhand-washing sink, independent from restrooms. ~~(manicure & esthetics salons)~~

**Section 3.** Salon Equipment Waiver. Salons offering limited services may apply in writing for a waiver of the equipment requirement. The waiver shall state services offered, the required equipment which the salon wishes to have waved, and an explanation of why.

~~(a) Salons offering limited services may apply in writing to the Board for a waiver of the equipment requirement. The application shall state the services offered the required equipment which the salon wishes to have waived, and an explanation of why the requirement is unreasonable.~~

**Section 4.** Display of Rules and Notices. Salons shall post a current copy of the recent inspection report, infection control, wet disinfection, and blood exposure standards plus pedi spay standards if applicable in an unobstructed location accessible and visible to the consumer.

**Section 5.** Display of Licenses. Salon and personal licenses shall be displayed either at the work station or in the patron waiting area.

**Section 6.** Inspections.

(a) All areas licensed and regulated by the Board shall be open to inspection by authorized representatives of the Board anytime during normal business hours.

(b) All areas not regulated by the Board must be clearly designated as "not regulated by the Board of Cosmetology" and posted in clear view of the public.

**Section 7.** Premises.

(a) The use of a salon as living or sleeping quarters is prohibited. Beds or mattresses are not allowed on the premises.

(b) When a salon occupies the same building as another business, the salon shall be separated from the other areas by walls or partitions at least six feet high.

(c) Access to a salon shall be by means of an outside or separate entrance or from a passageway in a public building. All doors to a salon from adjacent areas used for other purposes shall be closeable.

(d) In-home salons, in compliance with city ordinances, must have the salon entrance clearly marked.

(e) In-home salon entrance shall not pass through any living quarters of the residence.

(f) Every salon shall provide and maintain toilet and hand washing facilities for employees and patrons. Restroom facilities shall be accessible and shall not require passage through living quarters for access. All existing salons shall comply with this regulation upon sale or relocation.

(g) All salons shall be adequately heated, lighted, and ventilated.

(h) Walls and ceilings shall be kept clean, painted, or otherwise in good repair. Floors shall be of such construction as to be easily cleaned and shall be smooth, washable, and in good repair. Acceptable flooring is tile, vinyl, or other smooth non-porous material. Carpeting shall be permitted only in the following areas;

(i) Under nail technician stations;

(ii) Esthetics rooms; and

(iii) Reception/drying areas.

#### **Section 4-Section 8. Salon Sale, Relocation, or Closing of Salon.**

(a) Salon licenses may not be transferred upon sale of a salon. The new owners must make application shall apply for a salon license pursuant to Section 1 (a) through (d) of this chapter.

(b) Prior to relocation of a salon, the information required in Section 1 (a) through (d) of this chapter shall be filed with the Board. The original license may be transferred to the new location if the salon remains in the same city and ownership is unchanged. Application and fees must be received 15 days prior to scheduled anticipated opening date.

(c) Upon the permanent closing of a salon, the owner proprietor shall immediately notify the Board. The salon owner shall notify the Board office if the salon is permanently closed.

#### **Section 5-Section 9. Barbering in Salons/Cosmetology in a Barber Shop.**

(a) Barbers may practice in a salon if the salon holds a current barber shop license. Licensed barbers may practice in a salon so long as the salon has also been granted a barber shop license by the Board of Barber Examiners.

(b) Cosmetologist may practice in a barber shop if the barber shop holds a current salon license so long as the barber shop is also licensed as a salon.

(c) Combined salons and barber shops shall adhere to the requirements of both Boards, and in the any case of conflicting requirements, the more exacting standard shall be applied.

**Section 10. Salon License Renewal.** All salon licenses expire on December 31<sup>st</sup> of each year. Failure to renew the license on or before the expiration date shall result in late fees. A license that has been expired less than ninety (90) days may be renewed. A license that has been expired for more than ninety (90) days must apply for a new license and meet the current requirements and submit current fees.~~Each Salon license shall be renewed on a yearly basis, no later than December 31, of each year. Failure to renew the license on or before the expiration date shall result in a late fee. A license that has been expired less than 90 days may be renewed. An applicant for a renewal of a Salon license that has been expired for more than 90 days may apply for an original license under the current requirements and fees.~~

**Section 11. Temporary Location and License.** A temporary location is a place where cosmetology and related fields may be practiced for no longer than fourteen (14) consecutive days. No area of a residence which does not qualify for a salon license may be used as a temporary location. No persons, association, partnership, corporation, or other form of business may operate in a temporary location without first securing a license from the Board. Applications shall be made on the prescribed form and be accompanied by the appropriate fee. The completed application shall include or be accompanied by the following:

- (a) The name and address of the applicant;
- (b) The complete address of the proposed temporary location;
- (c) A list of services being provided;
- (d) Date and times of operation;
- (e) Detailed summary of disinfection and infection control procedures;
- (f) List of licenses and license numbers for those providing services; and
- (g) All licensees performing services must have a Board issued license, wet disinfection standards, and infection control standards posted at the temporary location.

**Section 12. Permitted Locations.** Licensed cosmetologist, hairstylist, nail technicians, and estheticians may practice in the following unlicensed locations:

- (a) The personal residence of a patron;
- (b) The place of regular employment of the patron;
- (c) The hospital, health care facility, senior citizen center, nursing or convalescent home in which the patron is presently living or staying; and
- (d) The hotel, motel, or boarding facility in which the patron is presently residing.

**Section 13. Permitted Events and Services.**

- (a) Licensees may provide services within the scope of practice of their license at special events such as, but not limited to, weddings and photography sessions.
- (b) Permitted services shall consist of make-up, polish application, and hairstyling only.
- (c) All infection control procedures shall be followed.

**Section 14. Limitations.**

- (a) A person other than those actually living in the personal residence or working in the place of employment may not be serviced in those locations.

~~Section 6.~~(b) Service to individual patrons in a hotel, motel, or place of employment shall be provided in the individual room, rooms, or office of the patron. If a room in such a facility is used for servicing more than one patron, that room shall be licensed as a salon.

~~Section 7.~~Section 15. Independent Contractor Application and License. No person may operate as an ~~independent contractor~~ within a licensed salon without first securing an independent contractor license from the Board. Application shall be made on the prescribed form and be accompanied by the appropriate fee. The completed application shall include ~~or be accompanied by~~ the following information:

(a) Applicants name, address, and personal license number; and~~The name and address of the Independent Contractor, and personal license number.~~

(b) Name and license number of the salon where the applicant will be contracting.~~A schedule of proposed days of operation to assist the inspector during annual inspections.~~

(c) ~~Independent Contractor license and most recent inspections sheet must be posted at the workstation. Upon relocation, both the license and inspection sheet must be moved to the new location.~~

~~Section 8.~~Section 16. Independent Contractor Minimum Equipment and Common Areas. As a minimum requirement, each independent contractor will provide and maintain the basic equipment to perform services related to the scope of their individual license.

(a) Shared equipment such as, but not limited to, shampoo bowls and pedi spas will be considered as a common area and will be the responsibility of the ~~S~~salon owner to maintain for inspection purposes.

(b) ~~The S~~salon owner is responsible for all common areas.

~~Section 9.~~Section 17. Independent Contractor Change of Status. The Board office shall be notified by the independent contractor if services are discontinued or if the independent contractor relocates to a new location. Upon relocation both the license and inspection sheet shall be moved to the new location.~~If an Independent Contractor chooses to discontinue services as an Independent Contractor, they must notify the Board office in writing.~~

~~Section 10.~~Section 18. Independent Contractor Inspection Requirements. The ~~independent contractor~~ is responsible for maintaining their individual work area to meet all health and infection control procedures set forth by the Board Rules and Regulations, ~~Chapter 108.~~

(a) ~~The W~~work area must be accessible for inspection during salon business hours.

(b) If the work area cannot be inspected, the ~~independent contractor~~ will be required to provide documentation of a compliance with requirements set forth in the Board Rules and Regulations, in this Chapter, Section 7, and in Chapter 108.

(c) A complete list of products and procedures used for infection control shall be maintained and a copy provided to the salon owner.

~~(c)~~(d) The independent contractor's license and most recent inspection shall be posted at the work station.

~~Section 11.~~ **Section 19.** \_\_\_\_\_ Independent Contractor License Renewal. All independent contractor licenses expire on August 31<sup>st</sup> of each year. Failure to renew the license on or before the expiration date shall result in a late fee. ~~Each Independent Contractor license shall be renewed on a yearly basis, no later than August 31 of each year. Failure to renew the license on or before the expiration date shall result in a late fee.~~